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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,695	04/21/2000	MARVIN T LING	GTX-001	6472
7590	05/05/2004		EXAMINER	
Nicola A Pisano Luce Forward Hamilton & Scripps LLP 11988 El Camino Real Suite 200 San Diego, CA 92130			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 05/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/553,695	Applicant(s) LING, MARVIN T
	Examiner	Art Unit
	Frantzy Poinvil	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

1. Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US Patent No. 6,473,500).

As per claim 1, Risafi et al. discloses most of the claimed features. Risafi et al. teach opening a user account with a vendor for a user wherein the user account is loaded with available funds to facilitate a financial transaction, providing products and services that may be purchased through the vendor, permitting the user to select a subset of the products and services for purchase, computing a total price for the selected subset of the products and services and if the user account contains funds having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor and subtracting the total price from the user account. Applicant is directed to column 6, line 38 to column 10, line 67 of Risafi et al. The only difference between the claimed invention and the system of Risafi et al is that the funds

described by Risafi et al are not electronic tokens. Williams et al teach a client purchasing electronic tokens. See column 1, lines 16-26 and column 17, lines 49-57 of Williams et al. As per the purchased or the loading of a user account with electronic tokens or electronic money, applicant is directed to column 1, lines 16-26 and column 17, lines 49-57 of Williams et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce the electronic tokens or electronic money of Williams et al into the system of Risafi et al in order to allow clients to perform convenient cashless transactions as alternatives.

The combination of Risafi et al and Williams et al does not explicitly recite, "each electronic token having a value of a fraction of a dollar". As per this limitation, the Examiner notes that the type or value of a token does not change the functioning of the combined system of Risafi et al and Williams et al as these would have been left to the designer or to the systems' owner.

As per claim 2, Risafi et al disclose a user may purchase funds. See column 2 of Risafi et al. Williams et al disclose a user may purchase electronic coins. See column 17, lines 49-57 of Williams.

As per claim 3, Risafi et al disclose permitting the user to conduct an on-line transaction using a credit card to purchase funds. See column 11, lines 58-60. Purchasing of tokens is discussed above as being taught by Williams et al.

As per claims 4-7, Risafi et al allow a user to perform off-line transaction and also to reload funds into their account. See column 6, lines 56-47 and column 7, lines 3-8 of Risafi et al. Purchasing of tokens is discussed above as being taught by Williams et al.

As per claim 8, Risafi et al disclose that a user's account may be loaded with funds by a third party without the user using a credit card. Also funds may be purchased using cash. Applicant is directed to columns 6, line 38 to column 10, line 67 of Risafi et al. Purchasing of tokens is discussed above as being taught by Williams et al.

As per claim 9, Williams et al disclose issuing the one or more electronic tokens comprising setting a price for the one or more electronic tokens, the price determined by the vendor. Note column 15, lines 60-65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Williams et al into the system of Risafi et al in order to increase the flexibility the system so that a user is aware of the price he/she is paying for the electronic tokens so as to facilitate performing cashless transactions.

As per claim 10, both Risafi et al and Williams et al discuss registering the user with the vendor. Note column 2, lines 9-14 of Williams and columns 6-10 of Risafi et al.

As per claim 11, Williams et al disclose registering the user with the vendor comprises recording personal information about the user in a database maintained by the vendor (column 10, line 65 to 11, line 4 and column 18, lines 33-37).

As per claim 12, William et al disclose wherein registering the user with the vendor comprises acquiring personal information about the user through off-line communications (column 11, lines 31-38).

As per claim 13, the combination of Risafi et al and William et al. does not explicitly teach opening a user account with the vendor further comprises issuing a predetermined minimum number of electronic tokens to the user. Such would have been obvious to one of ordinary skill in the art to include in the combination of Risafi et al and William et al in order to allow the user to know the value of each account and the amount needed to be paid.

As per claim 14, Risafi et al disclose reloading additional funds into the client's account.

As per claim 15, Risafi et al disclose reloading funds into the user's account if the user's funds have been depleted. Note column 10, lines 55-67 of Risafi et al. Electronic tokens have been discussed above as taught by Williams et al.

As per claim 16, Williams et al disclose issuing additional tokens to the user comprises permitting the user to purchase additional electronic tokens through an on-line transaction using

a credit card, without disrupting a process of selecting products and services (column 17, lines 49-57).

As per claim 17, Williams et al further teach displaying a number of available electronic tokens in the user account on a computer screen (see column 18, lines 2-12). See also column 6, line 38 to column 10, line 67 of Risafi et al. for similar teaching.

As per claims 18-23, the combination of Williams et al and Risafi et al does not explicitly disclose providing products and services that may be purchased through the vendor comprise providing software to be purchased or rented for a number of uses, for a specific number of times or for a limited time in exchange for electronic tokens. The examiner notes that in the combination of Williams et al and Risafi et al the user is opted to purchase any types of products or services. Providing services related to the uses of a software would have been obvious to one of ordinary skill in the art in the combination of Williams et al. and Risafi et al. as such would have considered as a type of products/services. The renting or selling of a software product include the purchasing, renting of the software for a number of users, uses, a specific number of times and for a limited time period. Thus if a software is intended to be used as a product/software, these attributes or uses associated with the selling/renting of software products would have been obvious to include in the combined system of Williams et al. and Risafi et al so as to continue to provide users with the same service associated with the renting/selling of software products thus making the combined system more flexible and attractive.

As per claim 24, the Examiner notes that it would have been obvious to one of ordinary skill in the art to note in the combination of Risafi et al and Williams et al that “if a selected software program is already installed on a user’s computer, downloading and installing the selected software program if the selected software program is not already installed on the user’s computer, and sending an authorization code, without downloading the selected software program, if the selected software program is already installed on the user’s computer” so as to avoid downloading to a client’s computer duplicate copies of an already existing program. If the selected program were already installed on the user’s computer, downloading an authorization code to the user would have been obvious to do in the combination of Risafi et al and Williams et al in order to provide usage rights and access to users.

As per claim 25, Risafi et al disclose transferring funds from one user’s account to another user or second user. See figure 10C of Risafi et al.

As per claim 26, Williams et al disclose providing products or services that may be purchased through the vendor comprises listing products and services for sale by one or more users of a Web site maintained by the vendor (see column 1, lines 39-52, column 12, lines 49-51 and column 13, lines 19-20 of Williams et al).

As per claim 27, claim 27 contains features recited in claim 1 and these features are rejected under a similar rationale. Claim 27 further recites a network interface through which the server communicates with a user over the Internet, a database, a memory and a processor. These

computer subsystems are present in both Risafi et al and Williams for providing and effecting communications and the storage of data. As per features of "a download routine that enables the user to download the selected subset from the Internet", the Examiner notes that both Risafi et al and Williams et al are directed to a network environment similar to an Internet.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
May 1, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628